

Application No. 10/761,023  
Filed: January 20, 2004  
TC Art Unit: 2882  
Confirmation No.: 1880

## REMARKS

This application contains claims 1-4. Claims 1-3 are hereby amended, and new claim 4 is added. No new matter has been introduced. Reconsideration is respectfully requested.

Claim 1 was rejected under 35 U.S.C. 102(e) over Golenhofen (US 6,226,347). Applicant has amended claim 1 to clarify the distinction of the present invention over the cited art.

Golenhofen describes a spectrometer for the simultaneous measurement of several spectral lines from a sample. In all of the embodiments shown by Golenhofen, "X-ray fluorescence light emitted by the sample... is supplied along two [or more] different paths to two [or more] different wavelength selectors each guiding light of a certain narrow wavelength band that usually differs from selector to selector" (col. 4, lines 63-67). Each path and selector has its own, separate curved surface, as shown by Golenhofen in Figs. 1 and 2.

Claim 1, as amended, recites a crystal monochromator, comprising first and second curved crystal elements, which reflect radiation of first and second wavelengths to a common focus. The claim has been amended to clarify that the two curved crystal elements have a common surface of curvature, as shown in Figs. 4A and 4B of the present patent application. Golenhofen neither

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teaches nor suggests the possibility of such an arrangement. Therefore, claim 1 as amended is believed to be patentable over Golenhofen.

Claims 2 and 3 were objected to for depending from a rejected base claim, but were deemed to recite patentable subject matter. Applicant has therefore amended claims 2 and 3 to stand as independent claims, incorporating the limitations of claim 1, from which they formerly depended. Claims 2 and 3 are thus believed to be in condition for allowance.

New claim 4 has been added to recite a further novel feature of the present invention. Claim 4 is similar to the original claim 1, with the added limitation that the crystal spacings  $d_1$  and  $d_2$  and wavelengths  $\lambda_1$  and  $\lambda_2$  satisfy the relation  $d_2/d_1 = \lambda_2/\lambda_1$ . This limitation is literally supported in paragraph 0055 of the specification as published. It is neither taught nor suggested by the prior art.

Applicant has studied the addition reference made of record by the Examiner and believes the claims as they presently stand to be patentable over this reference, whether taken individually or in combination with the other reference cited above.

Applicant believes the amendments and remarks presented hereinabove to be fully responsive to all of the objections and

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grounds of rejection raised by the Examiner. In view of these amendments and remarks, Applicant respectfully submits that all of the claims in the present application are in order for allowance. Notice to this effect is hereby requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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